United Nations S/2002/756

Security Council

Distr.: General
15 July 2002

Original: English

Letter dated 10 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Papua New Guinea, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 3 July 2002 from the Permanent Mission of Papua New Guinea to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of Papua New Guinea to the United Nations presents its compliments to the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations and has the honour to inform the latter through the attached aide mémoire (see enclosure) of the actions taken by the Government of Papua New Guinea in relation to United Nations Security Council resolution 1373 (2001) on counter-terrorism measures.

The Government of Papua New Guinea will continue to take other appropriate measures, including legislative changes to its laws and accession to other international conventions in due course, and will keep the Security Council informed of the same.

Enclosure

Aide mémoire No. 01/2002

United Nations Security Council resolution 1373 (2001) on counter-terrorism measures

In accordance with the UN Security Council Resolution 1373, the Government of Papua New Guinea as a responsible Member State of the United Nations has taken various measures to comply with the above resolution.

Last year, the Prime Minister Sir Makere Morauta and consequently the former Permanent Representative of Papua New Guinea to the United Nations, H.E Ambassador Peter Donigi made statements expressing support for the fight against international terrorism. However, Papua New Guinea is yet to adopt a comprehensive policy against international terrorism which would include appropriate changes to its legislation to deal with terrorism.

Of the List of 12 most significant (UN) International Conventions and Protocols, Papua New Guinea has signed and ratified three of these Conventions, which relate to terrorism, namely:

1. Convention on Offences and Certain Other Acts Committed On Board Aircraft (Tokyo Convention" 1963- Safety of Aviation.

2. Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention," 1970- aircraft hijackings).

3. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention," 1971- applies to acts of aviation sabotage such as bombings aboard aircraft in flight).

The Civil Aviation Authority (CAA) has also submitted documents to the Department of Foreign Affairs to prepare Instruments of Ratification for another three ratifications, namely: -

(a) *" Convention on the Marking of Plastic Explosives for the Purpose of Detection - 1991"*

(b) *"the Protocol relating to an Amendment to the Convention on International Civil Aviation (Article 50 a), signed at Montreal on 26 October, 1990"*

(c) *"the Protocol for the Suppression of Unlawful Acts against the Safety of Civil Aviation,(Extends and Supplements the Montreal Convention on Air Safety), 1988."*

The ratifications have been forwarded to the International Civil Aviation Organization in Montreal, Canada.

In addition, the Department of Foreign Affairs has forwarded a submission concerning the remaining six (6) Conventions to the Department of the Attorney General for their clearance. After clearance by the Attorney General's Department, the submission will then be put to the Minister for Foreign Affairs to seek the National Executive Council's (NEC) endorsement, approval and subsequent direction for the Foreign Minister to sign the Instruments of Accession to these Conventions and protocols.

The above submission also seek the NEC's approval for PNG to ratify these conventions and protocols in accordance with Section 117 (3) of the Papua New Guinea Constitution.

Individual Agencies such as Civil Aviation have also taken steps to address other areas of security concerns. For example, the Office of the Civil Aviation has established a Committee, which also comprises line Agencies to discuss and coordinate measures to counter possible hijacking of aircraft.

Papua New Guinea is a signatory to the Chicago Convention on International Civil Aviation and therefore is obligated to discharge aviation security in accordance with Annex 17. This Annex defines security as *"a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference."*

Under this Annex, the Papua New Guinea Civil Aviation Authority (CAA) has

- Established measures to prevent weapons, explosives or other dangerous devices from being introduced on board an aircraft;

- Established measures to ensure that checked baggage is subjected to screening before being placed on board an aircraft; and requires operators providing service to implement a security program appropriate to meet the requirements of the national civil aviation security program;

- Established an airport security program, adequate to the needs of international traffic, for airports serving international civil aviation and is constantly reviewing the level of threat within its territory taking into account the international situation and adjustments in the relevant elements of the aviation security program accordingly.

Apart from the above actions, the Civil Aviation Authority is constantly reviewing the level of threat posed within the territory and is mindful of the events taking place in other parts of the world and will take all the necessary precaution to counter terrorism.

With regard to the financial measures, the Bank of Papua New Guinea has not taken additional measures as a result of the attacks of 11 September , 2001. The Bank however will use the provisions of the Bank and Financial Institutions Act 2000 and all existing criminal laws of the country to prosecute offenders as the Bank does view acts of

terrorism as criminal offences and all parties involved (including financiers) will be prosecuted under the criminal law.

Offences and penalties vary as to offences according to the criminal law and may range from certain term in prison to life imprisonment for individuals and directors of companies.

Section 4 (c) of the Banks and Financial Institutions Act 2000 (BFIA) empowers the regulator (Bank of PNG) to suppress or aid in suppressing illegal, dishonorable or improper practices of authorized institutions (licensed under BFIA). This includes directing banks and financial institutions to freeze accounts and assets of clients believed to be conducting illegal business.

The Bank of Papua New Guinea directed commercial banks in early 2000 to close existing bank accounts or refuse to open bank accounts for any money scheme operators.

In terms of the measures currently in existence to prohibit the activities of terrorists, the banks and financial institutions are required to conduct banking business in a prudent manner. It is common practice among commercial banks to gather sufficient identification of potential clients before opening accounts. This comes in the form of identification by existing clients, letter of identification from employers, drivers license and passports for individuals, and evidence of registration with the Investment Promotion Authority. The banks are further required to take appropriate action against existing clients doing illegal business.

This is further strengthened by Section 29 of the Bank and Financial Institutions Act (2000), which empowers the Bank of Papua New Guinea to obtain information and require the production of documents by authorized institutions and under Section 35 (duty to give information).

In addition, the Government has also taken particular note of the three (3) new UN Protocols on Transnational Organized Crime.

More recently, the Director General of the National Security Advisory Committee (NSAC) also submitted a report on the outcome of the Honolulu Workshop on Counter-Terrorism, including appropriate recommendations for its consideration and attention.

I trust this Report assists in your deliberations to this point. This Mission is liaising with the Government for continuous updates so that we can in turn inform you and the Committee of the progress.

Robert G. Aisi
Ambassador/Permanent Representative.